

FILED

AUG 23 2011

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

AMRON INTERNATIONAL DIVING
SUPPLY, INC., a California corporation,

Plaintiff,

vs.

HYDROLINX DIVING
COMMUNICATION, INC., a California
corporation; SAAD SADIE, a.k.a. TODD
SADIE, a.k.a. JOHN SADIE, a.k.a.
DALEA ESTEPHAN, a.k.a. STEVEN
MORALES, a.k.a. STEPHAN
MORALES, a.k.a. FRANK JASHUA, an
individual,

Defendants.

CASE NO. 11-CV-1890 H (JMA)

**(1) SCHEDULING ORDER
REGARDING TEMPORARY
RESTRAINING ORDER**

**(2) ORDER PRESERVING
EVIDENCE**

**(3) ORDER DENYING EX
PARTE MOTION TO FILE
COMPLAINT UNDER SEAL**

On August 22, 2011, Plaintiff Amron International Diving Supply, Inc. ("Amron") filed an ex parte motion for leave to file his complaint under seal. Concurrently, Plaintiff filed an ex parte motion for a temporary restraining order.

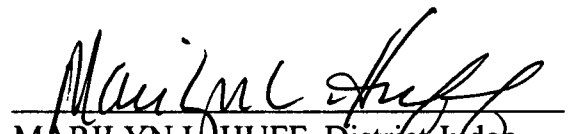
The Court declines to rule on the motion for a temporary restraining order on an ex parte basis. Accordingly, the Court orders Plaintiff to serve and file proof of service of its

1 motion for a temporary restraining order and all supporting documents and a copy of this order
 2 on Defendants on or before **August 26, 2011**. Defendants are directed to file any opposition
 3 to the motion for a temporary restraining order on or before **August 30, 2011**. The Court sets
 4 a motion hearing for **August 31, 2011 at 1:30 p.m.** The Court further orders, effective
 5 immediately, the parties to preserve evidence.

6 In addition, Plaintiff requests the Court to seal the complaint pending the resolution of
 7 the ex parte motion for a temporary restraining order. Courts recognize a "general right to
 8 inspect and copy public records and documents, including judicial records and documents."
 9 Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 597 & n.7 (1978). "This right is justified by
 10 the interest of citizens in keeping a watchful eye on the workings of public agencies."
 11 Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (quotation
 12 marks and citation omitted). The Ninth Circuit employs "a strong presumption in favor of
 13 access to court records." Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th
 14 Cir. 2003). Because the Court declines to rule on the motion for temporary restraining order
 15 on an ex parte basis, Plaintiff fails to show that any alternative good cause exists to file the
 16 entire civil complaint under seal. See Phillips v. General Motors Corp., 307 F.3d 1206, 1210
 17 (9th Cir. 2002) Accordingly, the Court denies Plaintiff's motion for leave to file his complaint
 18 under seal and directs the Clerk to open the case.

19 **IT IS SO ORDERED.**

20 DATED: 8/23/11

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 22 MARILYN L. HUFF, District Judge
 23 UNITED STATES DISTRICT COURT
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